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SUBJECT: TWO POLICE OFFICERS ARRESTED FOR 1984 FORCED  
DISAPPEARANCE

¶1. (U) Summary: After 25 years of eluding justice, two suspects -- an active-duty police officer and a retired police officer -- were arrested March 5 and 6 for the 1984 disappearance of labor leader Edgar Fernando Garcia, late husband of influential Congresswoman Nineth Montenegro. The arrests, the first in Guatemalan history for a forced disappearance during the internal conflict, came after years of investigation by the Human Rights Ombudsman's Office and NGO Mutual Support Group, which Montenegro founded in 1984. Evidence linking the suspects and two others to Garcia's disappearance was found in the Historic National Police Archives dating back to the internal conflict period. The arrests reflect political will in key Guatemalan institutions. End Summary.

¶2. (U) On March 5, authorities arrested National Civil Police (PNC) officer Hector Roderico Ramirez Rios in Guatemala City for the 1984 forced disappearance of 27-year-old labor leader Edgar Fernando Garcia, late husband of Congresswoman Nineth Montenegro. On March 6, authorities arrested a second suspect, former PNC officer Abraham Lancerio Gomez, in San Juan Sacatepequez. Both were members of the extinct National Police (PN), precursor to the modern PNC that was established in 1997.

¶3. (U) Garcia, a clandestine member of the underground Guatemalan Workers' Party (PGT), was last seen on February 18, 1984 after leaving his home in Guatemala City to attend a meeting. Witnesses reported that Garcia had been arrested and taken to the Fourth Police Precinct. When Montenegro went to look for him at the precinct, police denied that Garcia had been arrested. After months of searching for her disappeared husband, Montenegro founded the Mutual Support Group (GAM) in 1984 to provide support to other women in her situation. The organization expanded to provide support to other family members of the disappeared and to demand justice. In 1997, under a new mandate to investigate cases of forced disappearances, the Human Rights Ombudsman's Office (PDH) began to investigate Garcia's disappearance.

¶4. (U) An investigation by PDH, using the National Police Archives under its custody, led to the arrest of the two police officers. A police report of a February 18, 1984 capture of "two subversives" at the time and place where Garcia was last seen, was used as evidence by PDH. Other evidence included the orders to execute the illicit act and a 1984 police report authorizing the decoration of four police officers for their participation in the arrest. According to PDH, the Garcia file contains 1,375 pages of documents, of which 1,000 directly mention the accused. Eight witnesses located by GAM during its investigation of the case, including the testimony of Danilo Chinchilla who was detained along with Garcia and wounded by gunfire, provided supporting

evidence.

¶5. (U) At the time of his arrest, Ramirez was a high-ranking PNC officer, serving in Quetzaltenango. Lancerio retired from the PNC in 2005. Both suspects remain in custody at a preventive detention center in Guatemala City. Two other police officers are under investigation. Ramirez and Lancerio are accused of illegal detention, kidnapping, abuse of authority, forced disappearance, and lesser crimes against humanity. At a March 5 preliminary hearing, the judge ordered Ramirez detained on the first three charges. (Note: Ordered Ramirez detained on the first three charges. (Note: Neither suspect can be charged for forced disappearance or lesser crimes against humanity because they were not crimes in 1984, and the law cannot be applied retroactively. End note.)

¶6. (U) Human Rights Ombudsman Sergio Morales publicly announced that these arrests could lead to more arrests in this case and other similar cases. PDH investigators noted that during the government of Gen. Humberto Mejia Victores, the National Police was used by the Army to repress those who opposed the state. GAM, an NGO that for more than 25 years has sought justice in forced disappearance cases, was among those targeted, with reportedly 60 members killed and an additional 28 forcibly disappeared during the internal conflict.

¶7. (SBU) Comment: These arrests, which garnered front-page media attention, represent a significant development in the fight against impunity. They are the first arrests for a forced disappearance committed during the internal conflict, and may open the way for arrests in other such cases, with

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increased use of the police archives under PDH custody. (Germany and other European countries support conservation and cataloguing of the archives.) Nineth Montenegro is a tenacious, influential, and well-regarded Congresswoman and human rights activist who fought for justice for 25 years and secured these arrests in part through her political connections and perseverance. While these arrests are positive indicators of political will to combat impunity, it is too soon to tell if these arrests will eventually lead to trials and convictions in the thousands of other cases of individuals "disappeared" by the state during the long internal conflict.  
McFarland